

Wichita Citizen Review Board Minutes
February 20, 2020
4 p.m.
Rockwell Public Library
5939 E 9th St N, Wichita, KS 67208

Present: Jay Fowler, Dennis Bender, Stephanie Luna, Robert Thompson, Sharon Aillsieger, Timothy Sims, Captain Pinkston, Jennifer Magana, Keely Bean.

1. Call to Order – Chairperson Fowler

The meeting was called to order at approximately 4:04 p.m.

2. Approval of Minutes

Corrections made to the minutes. Fowler asked that the minutes reflect that he thanked the members whose terms had expired and have removed that they were no longer needed.

Sims made a motion to approve the revised January 23, 2020 minutes with corrections made. Second by Bender. The motion passed unanimously.

3. Public Agenda - 15 minutes is set aside for this portion of the meetings.

Mr. Vincent Hancock asked to speak. Mr. Hancock asked to present at a meeting in approximately one to two months regarding Policy 901. Mr. Hancock asked the Board members to review Policy 901 along with the revision dates.

Fowler asked Mr. Hancock to get with the Board for a date to present so the presentation could be placed on the agenda as a meeting item.

4. Staff Report Update – Captain Pinkston

Pinkston stated that 33 cases carried over from the previous month's report where 14 cases were closed. The new report showed that 32 cases were opened and 17 closed.

Fowler requested to review 19PSB-1302 and 19PSB-1587. Pinkston noted that the Board would be reviewing 19PSB-1302 during Executive Session.

Pinkston asked the Board to review the Year-to-Date statistics given. Procedural violations were the overall highest on the report. It was noted that complaints received are both external and internal when referring to procedural and improper conduct violations.

Aillsieger asked for clarification of a procedural violation. Pinkston gave examples of improper classification of cases or simple tasks of not entering a case into the system.

Bender inquired about 20PSB-0593 where the violation is an alleged felony crime. Pinkston was unable to provide information at this time because the case remains open. Pinkston asked the Board to make a note for this case to be reviewed during Executive Session once closed.

Sims asked if there could be more information provided to the Board regarding the type of discipline served. Pinkston stated that would not be given unless in Executive Session.

5. Review of Policy 305 – Chief Ramsay and Captain Pinkston

Fowler asked how to handle juveniles while in a school environment. Fowler asked when the parents should be invited into the process. Pinkston indicated that Chief Ramsay would set up a meeting with the school district to discuss the overall issue of talking to students at school.

Pinkston stated that Thompson had general concerns, stemming from a personal incident, where officers were speaking with students without a parent's knowledge or consent. Thompson pointed out holes within the policy. Pinkston stated an idea of a form has been proposed where everything is "spelled out" for the school's administration and WPD officers.

Fowler asked if the school district would be involved. Pinkston stated that he would like to partner with the school district where both parties would have an understanding of who is taking care of what when speaking with the parents or guardians of the student. The form would not be placed in the policy; however, the form would be referenced within the policy.

Thompson was under the impression the form would be placed in the student's academic file. Thompson also questioned the age where officers can question juveniles and would like the question addressed. Thompson suggested adding a bullet point on who's responsibility it is to contact the parent and where the student knows their rights prior to speaking with an officer.

Fowler asked if Chief Ramsay has given any consideration to raising the age limit.

Pinkston believes the age concern has been addressed; however, Pinkston provided his own opinion regarding the age limit and is not supportive of changing what state law allows. Pinkston stated he would not answer for Chief Ramsay since Ramsay was not present.

Fowler asked if the Department would tell a parent if their child has been interviewed when their child is a suspect versus being a witness. Fowler's concern was that a child who is 14, 15, or 16 should have the opportunity for notification if being questioned.

Thompson gave his opinion, as a parent, he would like to have been notified and would have made arrangements necessary to be present. Thompson stated that the juvenile should know they have that opportunity to contact a parent and believes the Department should make more of an effort.

Fowler agreed that giving the child the opportunity to contact their parents is not an uncommon request.

Referring to #5 in Policy 305, Sims believes that if a student is being detained, then that student should know that their conversation is not a free conversation.

Pinkston asked for clarification that the Department does not read rights to suspects. Thompson stated not suspects, but children. Thompson asked what happens when a witness turns into a suspect.

Pinkston stated that an officer can't hide a transition in an interview from a witness to a suspect. The officers have an obligation that once the transition occurs from a witness to a suspect, then it must be treated accordingly.

Fowler asked that if the officer has made the decision that the witness has transitioned from a witness to a suspect, what occurs? Pinkston stated that before the interview is completed, it should already be worked out as to who will make contact with the parent. Fowler then mentioned why the checklist form would be helpful.

Thompson asked what happens when a witness reaches the threshold. Pinkston stated that the interview is stopped, the suspect is read Miranda, and then they proceed if the suspect wants to continue speaking.

Sims inquired about searching and handcuffing after an arrest versus prior. Additionally, Sims inquired if a warrant is required.

Pinkston stated the Department does not conduct searches at a school without a search warrant, and the warrant must be present prior to searching. Pinkston noted that schools can follow their own policies when searching a student's items. Pinkston added that searching for a weapon could create different circumstances.

Fowler asked for a timeframe that the form would be developed. Pinkston stated Chief Ramsay wanted input from the Board.

Ailslieger questioned when detectives would interview students at school versus at home. Pinkston stated that no guidelines are given; however, detectives typically conduct interviews at school for major crime offenses.

Thompson noted that juveniles could be taken out of class and question for simple trespass cases. Thompson believes there is not a crime where officers couldn't show up to the school. Additionally, Thompson believes officers like going to the school because of convenience.

Ailslieger inquired if officers could go into private schools. Pinkston stated we could with probable cause.

Thompson stated that some school districts have policies in place where if the crime is not a felony, or there are not exigent circumstances, students could not be pulled out of class.

A motion was made by Chairperson Fowler stating the Department consider the recommendations made by Thompson and submitting a proposed form to the Board to be used by officers and schools when questioning or interviewing students. The form would be sent to the Board for recommendation prior to approval.

Motion approved at approximately 4:54 pm.

Sims asked for clarification of an NTA versus a UTA. Pinkston stated he would have clarification on both at the next meeting.

6. Executive Session – Captain Pinkston

Pinkston noted the Board would review investigation 19PSB-1302 where the allegation made was excessive or unnecessary force displayed by an officer.

Fowler moved that the Board go into Executive Session to return no sooner than 30 minutes to discuss a personnel matter regarding 19PSB-1302. The meeting would resume at Rockwell Public Library no sooner than 5:33 p.m.

All Board members favored Fowler's motion. The motion passed unanimously at approximately 5:03 p.m.

The Board reconvened at 5:46 p.m. and Fowler noted that no action was taken in Executive Session.

7. New Business – Chairperson Fowler

Fowler stated that the City Manager has re-appointed Bender, Lopez, and Kitchen.

Sims commended Fowler for his efforts and conversation that took place with the City Manager for the re-appointments of Bender, Lopez, and Kitchen. Fowler replied that the conversation was short but productive.

Pinkston stated the new meeting will be held on March 26, 2020 at Evergreen Library.

Bender asked for an update on the racial profiling statistics. Pinkston stated that 4-6 weeks was optimistic, but would provide the Board with an update at the next meeting.

8. Adjourn

Sims made a motion to adjourn. Second by Bender. The motion passed unanimously and the meeting adjourned at 5:48 p.m.